



# House of Representatives

## File No. 677

General Assembly

February Session, 2014

**(Reprint of File No. 79)**

Substitute House Bill No. 5150  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 24, 2014

### ***AN ACT CONCERNING FIRE SAFETY ENFORCEMENT OFFICIALS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-298 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) The State Fire Marshal and the Codes and Standards Committee,  
4 acting jointly, shall adopt minimum standards of qualification for local  
5 fire marshals, deputy fire marshals, fire inspectors and such other  
6 classes of inspectors and investigators as they deem necessary. For  
7 local fire marshals, deputy fire marshals and fire inspectors, such  
8 standards shall include a requirement that the person has (1) at least  
9 three years' experience (A) in fire suppression or fire prevention  
10 activities, (B) in responding and controlling releases or potential  
11 releases of hazardous materials, (C) in inspection activities concerning  
12 the fire safety or prevention code or hazardous materials, (D) in the  
13 investigation of the cause and origin of fires and explosions, or (E) as a  
14 sworn member of the Division of State Police within the Department of  
15 Emergency Services and Public Protection or an organized local police

16 department, or (2) equivalent experience as determined by the State  
17 Fire Marshal and the Codes and Standards Committee.

18 (b) The State Fire Marshal and the Codes and Standards Committee  
19 shall (1) prepare and conduct oral, written or practical examinations to  
20 determine if a person is qualified [and eligible] to be certified, or (2)  
21 accept successful completion of programs of training developed by  
22 [public] agencies or institutions and approved by them as proof of  
23 qualification for certification, [eligibility,] or (3) prepare and conduct a  
24 training program, the successful completion of which shall qualify a  
25 person to be certified. Upon determination of the qualification of a  
26 local fire official under subdivision (1), (2) or (3) of this subsection, the  
27 State Fire Marshal and the Codes and Standards Committee shall issue  
28 or cause to be issued a certificate to such person stating that the person  
29 is [eligible to be] certified. The State Fire Marshal and the Codes and  
30 Standards Committee shall establish classes of certification that will  
31 recognize the varying involvements of such local fire officials. Local  
32 fire marshals, deputy fire marshals, fire inspectors and other inspectors  
33 or investigators holding office in any municipality shall be certified in  
34 accordance with subdivision (1), (2) or (3) of this subsection. On or  
35 after October 1, 1979, no local fire marshal, deputy fire marshal, fire  
36 inspector or other inspector or investigator shall be appointed or hired  
37 unless such person is certified and any such person shall be removed  
38 from office if such person fails to maintain certification. The State Fire  
39 Marshal and the Codes and Standards Committee shall conduct  
40 educational programs designed to assist such local fire officials in  
41 carrying out the duties and responsibilities of their office. Such  
42 educational programs for local fire marshals, deputy fire marshals and  
43 fire inspectors shall be in addition to the programs specified under  
44 subdivisions (2) and (3) of this subsection and shall consist of not less  
45 than ninety hours of training over a three-year period. The State Fire  
46 Marshal and the Codes and Standards Committee shall establish the  
47 minimum hours of training for the other classes of inspectors and  
48 investigators, which shall recognize the varying involvements of such  
49 officials. Each local fire official shall attend such training programs or

50 other approved programs of training and present proof of successful  
51 completion to the State Fire Marshal. The State Fire Marshal may, after  
52 notice and opportunity for hearing, and with the participation of one  
53 or more members of the Fire Marshal Training Council, revoke any  
54 certificate issued under the provisions of this subsection for failure on  
55 the part of a local fire official to present such proof. Any [appointed]  
56 local fire marshal, deputy fire marshal or other inspector or  
57 investigator who wishes to retire his or her certificate may apply to the  
58 State Fire Marshal and the Codes and Standards Committee to have  
59 such certificate retired and be issued a certificate of emeritus. Such  
60 retired local fire official may no longer hold himself or herself out as a  
61 certified local fire official.

62 [(b)] (c) No local fire marshal, deputy fire marshal, fire inspector or  
63 other inspector or investigator acting for a local fire marshal, who is  
64 charged with the enforcement of [the Fire Safety Code and] part II of  
65 this chapter, may be held personally liable for any damage to persons  
66 or property that may result from any action that is required or  
67 permitted in the discharge of his official duties while acting for a  
68 municipality or fire district. Any legal proceeding brought against any  
69 such fire marshal, deputy fire marshal, fire inspector or other inspector  
70 or investigator because of any such action shall be defended by such  
71 municipality or fire district. No such fire marshal, deputy fire marshal,  
72 fire inspector or other inspector or investigator may be held  
73 responsible for or charged with the costs of any such legal proceeding.  
74 Any officer of a local fire marshal's office, if acting without malice and  
75 in good faith, shall be free from all liability for any action or omission  
76 in the performance of his official duties.

77 [(c)] (d) Except as provided in this subsection, each certified deputy  
78 fire marshal, fire inspector or other inspector or investigator shall act  
79 under the direction and supervision of the local fire marshal while  
80 enforcing [the Fire Safety Code and] the provisions of part II of this  
81 chapter. The local fire marshal may authorize, in writing, such deputy  
82 fire marshal or fire inspector to issue any permit or order under the  
83 provisions of this part or to certify compliance with the provisions of

84 [the Fire Safety Code] part II of this chapter, on his behalf. If no local  
85 fire marshal has been appointed in accordance with the provisions of  
86 section 29-297, as amended by this act, the deputy fire marshal or  
87 acting fire marshal shall assume the authority granted to the local fire  
88 marshal under this section.

89 Sec. 2. Section 29-297 of the general statutes is repealed and the  
90 following is substituted in lieu thereof (*Effective October 1, 2014*):

91 (a) The board of fire commissioners or, in the absence of such board,  
92 any corresponding authority of each town, city or borough, or, if no  
93 such board or corresponding authority exists, the legislative body of  
94 each city, the board of selectmen of each town or the warden and  
95 burgesses of each borough, or, in the case of an incorporated fire  
96 district, the executive authority of such district shall appoint a local fire  
97 marshal and such deputy fire marshals and other inspectors or  
98 investigators as may be necessary. In making such appointment,  
99 preference shall be given to a member of the regular or volunteer fire  
100 department of such municipality. Each local fire marshal shall be  
101 sworn to the faithful performance of his duties by the clerk of the  
102 town, city, borough or fire district and shall continue to serve in that  
103 office until removed for cause. Such clerk shall record his acceptance of  
104 the position of local fire marshal and shall report the same in writing to  
105 the State Fire Marshal within ten days thereafter, giving the name and  
106 address of the local fire marshal and stating the limits of the territory  
107 in which the local fire marshal is to serve.

108 (b) The board of fire commissioners or, in the absence of such board,  
109 any corresponding authority of each town, city or borough or, if no  
110 such board or corresponding authority exists, the legislative body of  
111 each city, the board of selectmen of each town or the warden and  
112 burgesses of each borough or, in the case of an incorporated fire  
113 district, the executive authority of such district may, upon the death,  
114 disability, dismissal, retirement or revocation of certification of the  
115 local fire marshal, and in the absence of an existing deputy fire  
116 marshal, appoint a certified deputy fire marshal as the acting fire

117 marshal for a period not to exceed one hundred eighty days.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	29-298
Sec. 2	<i>October 1, 2014</i>	29-297

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill (1) makes certain changes to certification requirements of fire officials and (2) requires the state fire marshal and Codes and Standards Committee to jointly certify fire officials. This does not result in a fiscal impact as this codifies current practice.

House "A" makes a technical change and has no fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 5150 (as amended by House "A")\******AN ACT CONCERNING FIRE SAFETY ENFORCEMENT OFFICIALS.*****SUMMARY:**

This bill requires fire officials (fire marshals, investigators, and inspectors) to be certified to perform their duties upon successful completion of certification requirements. In doing so, it eliminates one step in the two-step certification process and makes the process the same as the one for licensing building officials. The bill also codifies the current practice of the state fire marshal and Codes and Standards Committee (CSC) for jointly certifying fire officials.

To qualify for certification, it requires fire marshals and fire inspectors to have at least three years' experience in fire, hazardous material, or police work, or equivalent experience as determined by CSC and the state fire marshal. It allows the state fire marshal and CSC to accept programs and training developed by private institutions, not just public agencies, as proof of qualification for certification.

The bill allows any fire official, not just appointed ones, to apply to CSC and the state fire marshal to retire his or her certificate and issue a certificate emeritus. By law, the retiree may no longer hold himself or herself out as certified.

Under current law, a town's board of fire commissioners (or other specified appointed authority, where there is no board) appoints local fire marshals and deputy fire marshals. In practice, such boards also appoint other fire investigators and fire inspectors. The bill updates the statutes by codifying current practice.

The bill makes technical changes to reflect fire officials' enforcement

authority under the State Fire Prevention Code.

EFFECTIVE DATE: October 1, 2014

\*House Amendment "A" requires the state fire marshal and CSC, instead of the administrative services commissioner, to determine the equivalent experience for certification.

## **FIRE OFFICIALS**

### ***Certification***

The law requires fire marshals, investigators, and inspectors to be certified before they are appointed or hired. Under current law's two-step certification process, a fire official who completes the required training, education, or examination program must (1) first be certified by CSC and the state fire marshal as "eligible to be certified" and (2) then be certified as a fire marshal. The law does not say when or by whom the fire marshal must be certified. In practice, CSC and the state fire marshal jointly certify the fire marshal after the town appoints or hires him or her (see BACKGROUND).

The bill eliminates the eligibility certification, instead requiring that the person be certified (1) as a fire official upon program or training completion and (2) by CSC and the state fire marshal.

### ***Experience***

Existing law requires CSC and the state fire marshal to jointly adopt minimum qualification standards for local fire marshals, deputy fire marshals, fire inspectors, and other classes of inspectors and investigators they deem necessary.

Under the bill, the standards for fire marshals and fire inspectors must include at least three years' experience:

1. suppressing or preventing fires;
2. responding to, and controlling, hazardous material releases or potential releases;



3. inspecting activities concerning the fire safety or prevention code or hazardous material;
4. investigating the cause and origin of fires and explosions; or
5. working as a police officer.

Alternatively, the person must have equivalent experience as determined by CSC and the state fire marshal.

## **BACKGROUND**

### ***Certification Process for Fire Officials***

By law, a person must be certified to be hired or appointed as a fire official. But under current practice, a person cannot participate in the certification program or training unless he or she is appointed or hired. In practice, the town gives the prospective official a letter of intent to employ, which allows participation. After the person completes the program or training, the state fire marshal and CSC certify him or her as "eligible to be certified" as a fire marshal. At this point, the town appoints the individual as a fire marshal, after which CSC and the state fire marshal certify him or her as a fire marshal. The certification after appointment conflicts with the prohibition on employing a fire marshal who is not certified.

## **COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea    24    Nay   0    (03/11/2014)